

**List of Current Planning, Enforcement and Tree Appeals
June 2024**

Public Inquiries

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Inquiry	Current Position
W/22/1877	Land at Warwickshire Police Headquarters	Outline planning application for 83 dwellings. Non-Determination Appeal	Dan Charles	Statement due: 2 June	Various Dates in January	Appeal Allowed and Costs Awards partially Allowed.

The Inspector considered that the development would cause harm to the character and appearance of the setting of Woodcote House and, to a lesser degree, the LWCA. It would also result in a degree of harm to the character and appearance of the NDHA. The harm caused to the significance of the designated assets would be less than substantial. However, he considered that this would be outweighed by the public benefits; Delivery of 83 dwellings, including 40% affordable units plus a number of economic benefits in the form of short-term construction jobs, but also in the longer-term new residents would generate expenditure for local services and facilities.

The Inspector acknowledged that there are clearly some existing highway and pedestrian constraints in the vicinity of the site. However, he was satisfied that the evidence supporting the development was adequate and he was not persuaded that the development would give rise to such an increase in trips or pedestrian activity that it would cause or unacceptably exacerbate existing safety issues. Neither would the development result in severe residual cumulative transport impacts, either at the Anchor junction or further afield.

The Inspector found the Council's housing land supply to be 4.01 years and therefore he concluded that the Council was unable to demonstrate a 5-year housing land supply.

The Inspector acknowledged that there would be a clear conflict with the specific intentions and requirements of WDLP Policy DS22 and LWNP policies LW4 and LW5. Together, these collectively seek to deliver the comprehensive development of the allocation, including the

protection and enhancement of heritage assets, the re-use of Woodcote House and the management of the site as a whole and the development would not achieve this. He considered this in the overall planning balance.

The original plan submitted for examination also allocated the appeal site for development without reference to Woodcote House or any associated heritage benefits. It was only when the Police made their intentions clear did the Council put forward an alternative approach. It was entirely logical that the Council should address the potential risks associated with the Police leaving the site. However, this also suggested that, at least at one point, the Council were content the appeal site would be suitable for development without any heritage benefits being provided. There would be no knowing how the Local Plan Inspector would have concluded on whether this would have been sound. As such, the Inspector did not give significant weight to the evolution of the allocation policy. Nevertheless, the fact that there is no impending risk of additional harm through either the vacancy or deterioration of Woodcote House itself limited the weight he gave to the conflict with these policies.

The Inspector stated that he must also have regard to the Plan as a whole and the benefits of development that would be achieved now. He did not consider it would be necessary, appropriate or justified to resist the development based on the limited prospect of the Police leaving the site before the end of the plan period or waiting for a local plan review. Irrespective of the 5-year supply position, additional housing is still be needed to meet the overall Plan requirement and the spatial strategy. To resist development on this basis would unnecessarily delay the delivery of much needed housing, both in the immediate area and district as a whole.

The weight to be given to the conflict with Policy DS22, and by association LWNP policies LW4 and LW5, was also tempered to a substantial degree by the fact the development would make a very significant contribution to the number of dwellings that the WDLP anticipates for the site. In this respect, the link between Policy DS22 and policies DS4 and H1, which identify Leek Wootton as a growth village, could not be ignored.

Given the change in circumstances that have occurred since the Plan was adopted, the fact that some harm to heritage assets were anticipated and the elements of the policy that would still be delivered, he gave only moderate weight to the conflict with WDLP Policy DS22 and LWNP policies LW4 and LW5. While possible that the Police's stance may change again, he was not persuaded this is likely in the short term. Thus, he considered there would be little to be gained by resisting development on this basis. He found no conflict with any other policies in the development plan. Indeed, the development would be consistent with a number of policies, including those relating to the growth of Leek Wootton.

COSTS:

A partial award of costs was made in respect of the Appellant and the Rule 6 Party. The Inspector considered it was plainly unreasonable of the Council to not make the other parties, or him, aware that updated supply data had been published prior to the opening of the Inquiry. For the Council to have agreed the Housing SoCG with the applicant *after* it had already published the revised data was also unreasonable. The failure to inform, and thus allow any party time to consider its relevance before the Inquiry opened, caused an unwelcome degree of disruption. The Inspector considered that unreasonable behaviour resulting in unnecessary or wasted expense had occurred in respect of not agreeing statements of common ground in a timely manner and the submission of fresh and substantial evidence at a late stage which necessitated an adjournment. A partial award of costs was therefore warranted.

W/22/1577	Land West of Honiley Road, Honiley	Installation of a Solar Farm and Battery Storage Facility Call In Inquiry	Adam Walker	N/A	Various dates in February	Awaiting Decision
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Informal Hearings

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing	Current Position

Written Representations

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Current Position

W/22/1574	Leasowe House, Southam Road, Radford Semele	Lawful Development Certificate for Garden Land Delegated	Michael Rowson	Questionnaire: 20/3/23 Statement: 17/4/23	Ongoing
W/22/0357	Liberty House, Stoneleigh Road, Blackdown	Lawful Development Certificate for Various Works Delegated	Lucy Shorthouse	Questionnaire: 23/6/23 Statement: 21/7/23	Ongoing
W/22/0471	Leasowe House, Southam Road, Radford Semele	Erection of 2 Replacement Dwellings Non-Determination Appeal	George Whitehouse	Questionnaire: 4/8/23 Statement: 8/9/23	Ongoing
W/23/0852	15 South Terrace, Whitnash	Lawful Development Certificate for an existing roof terrace and balustrade. Delegated	Jack Lynch	Questionnaire: 1/1/24 Statement: 22/1/24	Ongoing
W/23/1019	15 South Terrace, Whitnash,	Erection of balustrade around existing flat roof rear projection (Retrospective) Delegated	Jack Lynch	Questionnaire: 1/1/24 Statement: 22/1/24	Ongoing
W/21/1492	10 Meadow Close, Lillington	Lawful Development Certificate to confirm that planning permission	James Moulding	Questionnaire: 6/12/23	Ongoing

		W/80/0019 was implemented. Delegated		Statement: 3/1/24	
W/23/1409	63 Kempton Drive, Warwick	Single storey rear extension Delegated	Theo Collum	Questionnaire: 12/1/24 Statement: 2/2/24	Ongoing
W/23/0342/LB	Oaks Farm, Farm Road, Kenilworth	Installation of replacement Windows Delegated	Jane Caterall	Questionnaire: 13/2/24 Statement: 12/3/24	Ongoing
W/23/0776	8 Leam Terrace, Leamington	Erection of Dwelling Delegated	Millie Flynn	Questionnaire: 12/3/24 Statement: 9/4/24	Ongoing
W/22/1729	15-17 Clemens Street, Leamington	Change of use from retail storage to 3 residential flats, first floor rear extension, second floor extension and alterations to shop fronts. Delegated	Rebecca Compton	Questionnaire: 28/2/24 Statement: 28/3/24	Appeal Dismissed

The main issue raised by this appeal was whether or not the proposed development would provide acceptable living conditions for future occupiers, with particular reference to noise and odour.

The appeal site is a vacant, two storey building, formerly in use for retail which fronts a high street within the town centre. It is set amongst other existing retail and commercial premises with hot food takeaways to either side at ground floor. A public car park and an elevated railway line are located to the rear.

The submitted Noise Impact Assessment (NIA) identified that high levels of noise were recorded from road traffic, vehicles using the public car park, as well as noise from the railway line, and from a neighbouring commercial unit. The Air Quality and Odour Assessment report (AQOA) identified that cooking odours from the adjoining hot food takeaways would need to be mitigated against. A Ventilation Concept Report (VCR) had been prepared which proposed a Mechanical Ventilation Heat Recovery Unit (MVHR) to provide a fresh supply of air to the proposed apartments. The MVHR would then enable windows to be sealed and non-opening, to protect future occupiers from the identified adverse effects of noise and odour.

The Inspector considered that it is a reasonable expectation that occupiers of residential accommodation would be able to open windows. In this case, however, the NIA and AQOA confirmed that unacceptable levels of noise and odour would arise during prolonged periods of time during the day and at night if windows were opened.

The Inspector acknowledged that the MVHR system would provide an alternative solution and would mitigate the effect of noise and odour on future occupiers, whilst cooling and heating the rooms appropriately. However, future occupiers would reasonably expect to be able to open their windows without being subjected to unacceptable noise and odour. At the very least they should have a choice as to whether they are able to open their windows or not. In this case, the future occupiers would not have a choice. The Inspector concluded that the inability to open any windows within the proposed flats would create an oppressive internal environment for the future occupiers. This would be exacerbated during periods of fine weather, when there would be a strong desire to open windows during the day and at night. Without this option, the living conditions of future occupiers would be severely compromised to an unacceptable degree. The proposal for a mechanical ventilation system is not an adequate substitute for being able to open windows for fresh air and natural ventilation.

W/23/0189	3 Lower Villiers Street, Leamington	Certificate of Lawfulness for Rendering of Property Delegated	Thomas Senior	Questionnaire: 19/3/24 Statement: 16/4/24	Ongoing
W/23/0754	3 Lower Villiers Street, Leamington	Single Storey Side extension and Rear Dormer Delegated	Thomas Senior	Questionnaire: 19/3/24 Statement: 16/4/24	Ongoing

W/23/1177	Land fronting Leicester Lane, Cubbington	Lawful Development Certificate for the Use of the Land for Open Storage Delegated	Adam Walker	Questionnaire: 9/4/24 Statement: 7/5/24	Ongoing
W/23/0962	Bell Tower Cottage, Woodcote Road, Leamington.	Change of Use to Nursery, Single Storey Extensions and Other Alterations Delegated	Jack Lynch	Questionnaire: 4/4/24 Statement: 2/5/24	Ongoing
W/23/1100/AG	Land to the North of Bakers Lane, Knowle	Prior Approval for Erection of Agricultural Building Delegated	Jack Lynch	Questionnaire: 2/4/24 Statement: 30/4/24	Ongoing
W/23/1164	The Spinney, 1 Thickthorn Close, Kenilworth	Part Demolition of Existing Bungalow and Erection of 1.5 storey Extension Delegated	James Moulding	Questionnaire: 24/4/24 Statement: 15/5/24	Ongoing
W/23/1193	Fir Tree Cottage, 147 Chessetts Wood Road, Lapworth	One and Two Storey Extensions Delegated	James Moulding	Questionnaire: 23/4/24 Statement: 14/5/24	Ongoing
	Arnolds Farm, 272	Replacement Windows	Jane Caterall		Ongoing

W/22/1460/LB	Cromwell Lane, Burton Green	Delegated		Questionnaire: 20/3/24 Statement: 17/4/24	
W/23/0625	The Royal Oak, 36 New Street, Kenilworth	Barbecue Shed Committee Decision in accordance with Officer Recommendation	Rebecca Compton	Questionnaire: 16/4/24 Statement: 14/5/24	Ongoing
W/23/1259	3 Three Ways, Firs Lane, Haseley	First Floor and Ground Floor Extensions Delegated	Thomas Senior	Questionnaire: 18/4/24 Statement: 9/5/24	Appeal Allowed
<p>The Inspector noted that the NPPF does not define “disproportionate” or contain specific numerical limits on the size of extensions. Insofar as the Framework is concerned, it would therefore be a matter of planning judgement in each case. Notwithstanding the technical breach of the 30% guideline for proportionate extensions in the Green Belt contained in LP Policy H14, the Inspector was satisfied that the proposed development, when assessed alongside the previous extensions to the property, would respect the character of the original semi-detached cottage which would retain its visual dominance, would not materially erode the openness of the rural area and would not substantially alter the scale, design and character of the original dwelling. He therefore considered that it would be in compliance with the 3 key criteria within LP Policy H14 and when taken cumulatively with the previous extensions, would not result in disproportionate additions over and above the size of the original building.</p>					
W/22/1919	Land at the junction of High Street and Lower Avenue, Leamington	Purpose Built Student Accommodation Delegated	Adam Walker	Questionnaire: 30/4/24 Statement: 28/5/24	Ongoing

W/23/1648	Glenthorne, Five Ways Road, Shrewley	Certificate of Lawfulness for Use of Outbuilding as Dwelling House Delegated	Adam Walker	Questionnaire: 9/5/24 Statement: 6/6/24	Ongoing
W/23/1222	55 Henley Road, Leamington	Change of Use to HMO and Extension to provide 2 x 1 Bedroomed Flats Delegated	Jack Lynch	Questionnaire: 15/5/24 Statement: 12/6/24	Ongoing
W/23/1635 and W/23/1636/LB	Premier Inn, 154-156 Parade, Leamington	Various Signage Delegated	Jack Lynch	Questionnaire: 7/5/24 Statement: 4/6/24	Ongoing
W/23/1356	April Cottage, 9 Chapel Lane, Lapworth	Garage/Garaden Store Extension Delegated	James Moulding	Questionnaire: 29/4/24 Statement: 20/5/24	Ongoing
W/23/1387	18 Clarendon Avenue, Leamington	Retention of Enlarged Lightwell Delegated	James Moulding	Questionnaire: 20/5/24 Statement: 10/6/24	Ongoing
	12 Augusta Place,				Ongoing

W/23/1598	Leamington	Replacement of Windows to First and Second Floor Delegated	James Moulding	Questionnaire: 2/5/24 Statement: 30/5/24	
W/23/1631	103 Greenwood Court, Upper Holly Walk, Leamington	Change of Use from Dwelling House to HMO Delegated	Millie Flynn	Questionnaire: 7/5/24 Statement: 4/6/24	Ongoing
W/24/0009	Land to the North of Bakers Lane, Knowle	Application to Remove Permitted Development Rights Condition Delegated	Millie Flynn	Questionnaire: 30/4/24 Statement: 28/5/24	Ongoing
W/23/1488	Dragon Yard, Church Lane, Barford	Bin Store Delegated	Thomas Senior	Questionnaire: 17/5/24 Statement: 10/6/24	Ongoing
New W/24/0219	Glenthorne, Five Ways Road, Shrewley	Certificate of Lawfulness for Use of Outbuilding as Dwelling House Delegated	Adam Walker	Questionnaire: 7/6/24 Statement: 5/7/24	Ongoing
New W/22/1228	Surface Car Park, Talisman Square, Kenilworth	Mixed Use development Delegated	Adam Walker	Questionnaire: 18/6/24 Statement:	Ongoing

				16/7/24	
New W/23/0801	66 Montrose Avenue, Lillington	Detached Dwelling Committee Decision contrary to Officer Recommendation	Erin Weatherstone	Questionnaire: 18/6/24 Statement: 16/7/24	Ongoing
New W/23/1275	The Stables, Highfields, Mill Lane, Cublington	Change of Use to Dwelling House Delegated	Erin Weatherstone	Questionnaire: 13/6/24 Statement: 11/7/24	Ongoing
New W/24/0041	5 Binswood Street, Leamington	Change of Use to HMO Delegated	Jack Lynch	Questionnaire: 4/6/24 Statement: 2/7/24	Ongoing
New W/24/0162	Gracedieu, Rowington Green	Removal of Agricultural Occupancy Condition Delegated	Jack Lynch	Questionnaire: 19/6/24 Statement: 17/7/24	Ongoing
New W/23/1221	26 Wellesbourne Road, Barford	2 Storey Extensions Committee Decision in accordance with Officer Recommendation	James Moulding	Questionnaire: 30/5/24 Statement:	Ongoing

New W/23/1707	Houses 3 & 4, 151 Leam Terrace, Leamington	Extensions Delegated	James Moulding	Questionnaire: 14/6/24 Statement: 12/7/24	Ongoing
New W/23/1407	41 Avenue Road, Leamington	Various Works to reconfigure Flat 1 into 2 Dwelling Units Delegated	Millie Flynn	Questionnaire: 4/6/24 Statement: 2/7/24	Ongoing
New W/23/0472	Basement, 97 Clarendon Street, Leamington	Change of use to 1 Bed Apartment Delegated	Rebecca Compton	Questionnaire: 8/5/24 Statement: 5/6/24	Ongoing
New W/24/0066	Myton House, 40 Holly Walk, Leamington	Change of use to Dwelling Delegated	Rebecca Compton	Questionnaire: 18/6/24 Statement: 16/7/24	Ongoing
New W/23/1829	27 Finham Road, Kenilworth	Installation of Air Source Heat Pump Delegated	Thomas Senior	Questionnaire: 28/5/24 Statement: 18/6/24	Ongoing

Enforcement Appeals

Reference	Address	Issue	Officer	Key Deadlines	Date of Hearing/Inquiry	Current Position
ACT 450/08	Meadow Cottage, Hill Wootton	Construction of Outbuilding	Will Holloway	Statement: 22/11/19	Public Inquiry Was scheduled for 7/5/24 but cancelled due to appellant. New date to be agreed	Ongoing
ACT 102/22	126 Cubbington Road, Lillington, Leamington Spa	Creation of further storey	Phil Hopkinson	Statement: Awaiting decision	Written Reps	Ongoing
ACT 600/18	Nova Stables, Glasshouse Lane, Lapworth	Erection of building in green belt	Will Holloway	Statement: 31 st July 2023 and awaiting date for Public Hearing	Hearing scheduled 9/7/24	Ongoing

ACT 103/23	Land at Uplands Farm, Lapworth	Residential use of caravan	Will Holloway	Awaiting Planning Inspector decision Temporary planning permission granted and Notice to be withdrawn	TBD	Ongoing
ACT 506/20	Hatton Arms, Hatton	Erection of covered enclosure to rear	Stephen Hewitt	Awaiting Planning Inspector Decision	TBD	Ongoing

Tree Appeals

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing/Inquir y	Current Position